
TECHNICAL HANDBOOK FOR
ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME III - HEALTHCARE FACILITIES DESIGN AND CONSTRUCTION
PART 24 - CONSTRUCTION GUIDELINES

**CHAPTER 24-2 APPLICABILITY OF CODES, AND CONSTRUCTION CODES
AND STANDARDS**

24-2.5 AUTHORITY HAVING JURISDICTION (24-2) 10

24-2.5 AUTHORITY HAVING JURISDICTION

A. Purpose

To designate the Authority Having Jurisdiction for the Indian Health Service (IHS).

B. Definitions

- (1) CODE - When the term code is used in this policy it shall imply a nationally recognized code, standard, and/or guideline.
- (2) ENFORCEMENT - The act of verifying that the requirements of a code are in full compliance with the latest applicable edition of that code and/or interpretations of the IHS Authority Having Jurisdiction. Lack of enforcement triggers an immediate written citation and requires a mandatory modification or correction of the deficiency to bring it into compliance with the agency position on the code.
- (3) IMPLEMENTATION - The act of implementing requirements that are so clearly outlined in the code that interpretations by the user are not necessary. Interpretation by the Authority Having Jurisdiction are not necessary.
- (4) INTERPRETATION - The act of making judgement(s) when implementation of code requirements are not specific enough for a user to determine the intent of the code. Interpretation of a code requires a thorough knowledge that can only be obtained through specialized training, and experience.
- (5) EQUIVALENCY - Compliance with the intent of a code in a manner that other authorized qualified interpreting officials would concur that what is being prescribed as an equivalent to the code is equal to or greater than the intent of the code.
- (6) VARIANCES - The act of making judgement(s) that the requirements of a code will not be implemented and in lieu another requirement will be utilized which is not equal to the code intent.
- (7) WAIVER - The act of making a judgement(s) that the requirements of a code will not be implemented in a particular application although it is required by an

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applicable code.

- (8) AUTHORITY HAVING JURISDICTION - The official(s) legally designated by the Director, IHS, to interpret codes for the agency. Decisions by the designated Authority Having Jurisdiction shall be final and binding for the agency.

C. Background

- (1) Codes are utilized by the IHS when determining the requirements for new construction, renovations, alterations, modernizations, and replacement to the real and/or personal property. When requirements are determined and implemented into construction of facilities, procurement of equipment, repairs, and/or maintenance of the structure or equipment there is a need to periodically review or monitor these requirements. This becomes necessary to ascertain that the agency established minimal requirements are continuously maintained at all its existing installations. At times, requirements are erroneously allowed to become less than the agency minimal acceptable criteria or more recent editions of a code may require changes that apply to new or existing applications in the agency.

- (2) Maintaining compliance with codes involves a three step process.

a. Implementation

IHS staff (i.e., Engineering Services, Area Facilities Engineers, Safety Officers) implement codes when making decisions on replacement and renovation of structures and equipment, and/or maintenance and repair of the personal and real property.

b. Enforcement

1. The Safety Officer at an installation generally enforces safety related requirements through periodic documented inspections.
2. Accreditation bodies (i.e., Joint Commission on Accreditation of Hospital Organizations) enforce life safety requirements of the structure through periodic reviews during accreditation surveys.

- c. Interpretation - Implementation of codes require occasionally that judgements be made when a code is not clear on an application or allows an interpretation on the part of the authorized official. In IHS interpretation of codes rests solely on the Authority Having Jurisdiction duly designated by the Director, IHS.

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D. Guidelines

The Authority Having Jurisdiction (AHJ) in the IHS shall consist of a joint committee formed by the Directors of Engineering Services (ES) Seattle and Dallas to resolve conflicts between codes, differing interpretations of code requirements, or conflicts between IHS criteria and a code. This joint committee shall be the sole source of guidance for all code interpretation required at all levels in the agency. The joint committee's decisions shall be binding on all applicable work. These decisions shall be appropriately disseminated.

E. Procedures

- (1) Any occurrence requiring an interpretation of a code in IHS shall be reviewed, concurred, and approved in writing by both Directors of Engineering Services.
- (2) All approved ES code interpretations shall be submitted in writing to the IHS Health Facilities Advisory Committee (HFAC) at Headquarters, Division of Facilities and Environmental Engineering (DFEE) for agency archival and/or publication in the Technical Handbook for Environmental Health and Engineering as an agency established interpretation. The appropriate ES office initiating the request for a code interpretation shall be responsible for forwarding the documentation to the IHS HFAC in Headquarters.
- (3) ES Staff or consultants are not the designated Authority Having Jurisdiction; however, they may be utilized by the ES Directors to assist them in any technical evaluation of an interpretation.
- (4) Any employee in the IHS may submit a request for code interpretation through the appropriate ES Director in their jurisdiction.